



WK: 208-354-0245  
CELL: 208-313-0245

**Teton County Engineer**  
**MEMO**

150 Courthouse Drive  
Driggs, Idaho 83422

March 23, 2011

TO: Teton County Planning and Zoning Commission  
FROM: Jay T. Mazalewski, PE  
SUBJECT: Cattle Creek Ranch P.U.D. – Preliminary Submittal

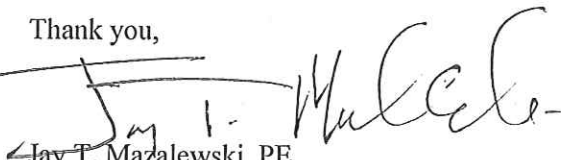
The following are my comments for the preliminary review of the subject above. These comments should be automatically carried over for the final review.

1. Preliminary Plat, General
  - a. Show the existing utilities on the Master Plan or the Improvement Plans. (electricity, telephones, etc)
2. Preliminary Plat, Sheet 2 of 3
  - a. A portion of Cattle Creek Road appears to be on the neighboring lot (Edward P. Kearsley). Please confirm actual location of the road or provide an easement through the Kearsley Property. (9-4-1 Design Standards)
  - b. The proposed access and utility easement is located over two separate bodies of water (ponds). The easement should be on accessible land.
  - c. The dry hydrant is shown on Parcel A, owned by Morey Ranch LLC. Is this part of the subdivision? If not, an agreement or easement for the fire hydrant and fire protection pond needs to be drafted and recorded. (9-4-2-B Required Public Improvements)
3. Preliminary Plat, Sheet 3 of 3
  - a. The replacement area for the leachfields should also be shown. (Section 9-4-2-B-7 Water Supply and Sewer System)
4. Improvement Plans:
  - a. The proposed fire protection improvement plans were the only improvement plans provided, additional information is required.
    - i. Cattle Creek Rd was constructed in 2006 as a driveway; please provide the design plans or as-built plans for the roadway. Once the snow is gone, the county engineer can confirm if the road was built to county standards. (Section 9-4-12-Specifications)
    - ii. The fire truck turn around detail and road section should be included in the improvement plans. (9-4-2-B-8 Fire Protection)
    - iii. A landscaping/re-vegetation plan of the disturbed areas is required. (9-3-2-C-3-A)
    - iv. A storm water/drainage certification is required ((9-7-2-B-6)
    - v. Please provide a street/entrance sign detail. Street signs are to be per MUTCD and County Standards. (9-4-2-B-11)

- vi. Please locate proposed mailbox(s) and/or mailbox cluster. Confirm the location is acceptable with the local postal service.
  - vii. Please note on the plans (Section 9-4-2-A Responsibility for Plans) :  
*All construction shall conform to the Teton County Highway and Street Guidelines for Design and Construction (Teton County Standards) and the Idaho Standards for Public Works Construction (ISPWC-Latest Edition) as amended. The contractor is required to maintain a copy of each standard on the job site while work is being performed. In cases of conflict between the standards, the contractor shall follow the Teton County Standards first, and then the ISPWC.*
- b. Submitted Improvement Plans:
    - i. Provide trenching and bedding details.(9-4-2-B Required Public Improvements)
    - ii. Please clarify whether a fire truck pull off is being provided adjacent to the dry hydrant, if so please dimension. (9-4-2-B-8 Fire Protection)
    - iii. Please confirm with the Teton County Fire Department that the excavated pool and stream will provide the required 1,000 gpm of fire water for two hours. This should be calculated assuming the lowest flow of the stream. (9-4-2-B Fire Protection)
    - iv. Please include the utility locate number on all improvement plans.
5. Cost Estimate (Section 9-4-2-C Guarantee of Completion):
- a. The cost estimate should be updated to include all items required for the improvement plans, see item 4.
  - b. The cost estimate must be updated to include an additional 25% of the estimated total improvement costs, this is required for bonding purposes.
  - c. The only roadway improvement costs shown on the estimate are for the fire truck turnaround. If upon inspection by the county engineer, additional roadway improvements are required, the cost estimate must be updated to reflect these additional costs.

If you have any questions, please call.

Thank you,

  
Jay T. Mazalewski, PE  
Teton County Engineer



TETON COUNTY  
PLANNING & ZONING

JUN 07 2011

RECEIVED

**Date:** June 7, 2011  
**To:** Jay T. Mazalewski – Teton County Engineer  
**Cc:** Teton County Planning and Zoning Commission  
**From:** Katie Salsbury, MS & Eric August, PE  
**RE:** Response to Teton County Engineer's comments regarding the Cattle Creek Ranch P.U.D. - Preliminary Submittal

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A Preliminary Submittal was sent to Teton County for the planned subdivision at Cattle Creek Ranch. Comments from Jay T. Mazalewski – Teton County Engineer were received in a letter dated March 23, 2011. A response to each of the comments is included below:

PRELIMINARY PLAT, GENERAL

1a. *Show the existing utilities on the Master Plan or the Improvement Plans.*

On Sight Land Surveyors (OSLS) have surveyed the existing utilities and they are included on the Improvement Plans.

PRELIMINARY PLAT, SHEET 2 of 3

2a. *A portion of Cattle Creek Road appears to be on the neighboring lot (Edward P. Kearsley). Please confirm actual location of the road or provide an easement through the Kearsley Property.*

OSLS has surveyed the as-built Cattle Creek Road and confirmed that a portion does cross the Kearsley Property. A draft easement is attached and a verbal agreement has been obtained from Mr. Ed Kearsley. A formal easement will be recorded at the Final Plat stage.

2b. *The proposed access and utility easement is located over two separate bodies of water (ponds). The easement should be on accessible land.*

OSLS has surveyed the pond locations. With this updated information, the easement no longer crosses a body of water.

2c. *The dry hydrant is shown on Parcel A, owned by Morey Ranch LLC. Is this part of the subdivision? If not, an agreement of easement for the fire hydrant and fire protection pond needs to be drafted and recorded.*

OSLS has surveyed the location of the dry hydrant. A draft easement has been prepared and will be recorded at the Final Plat stage.



PRELIMINARY PLAT, SHEET 3 of 3

3a. *The replacement area for the leachfields should also be shown.*

Proposed locations for wells, primary and replacement leachfields are shown on the Master Plan (Sheet #3). Note the exact location of these features may change when individual building permits are obtained, however, all future locations will conform with DEQ and District 7 Health regulations.

IMPROVEMENT PLANS

4a.i. *Cattle Creek Rd as constructed in 2006 as a driveway; please provide the design plans or as-built plans for the roadway.*

OSLS performed an as-built survey of Cattle Creek Road. The existing road extents are included on the Master Plan.

4a.ii. *The fire truck turn around detail and road section should be included in the improvement plans.*

These details are included in the Improvement Plan prepared by Intermountain Aquatics.

4a.iii. *A landscaping/re-vegetation plan of the disturbed areas is required.*

The required seeding area and cost estimate has been included on the Improvement Plan prepared by Intermountain Aquatics.

4a.iv. *A storm water/drainage certification is required.*

A storm water drainage certification statement is included in the revised Improvement Plan prepared by Intermountain Aquatics.

4a.v. *Please provide a street/entrance sign detail. Street signs are to be per MUTCD and County Standards.*

An existing street sign that meets MUTCD standards is at the junction between Cattle Creek Road and Doggy Lane.

4a.vi. *Please locate proposed mailbox(s) and/or mailbox cluster. Confirm the location is acceptable with the local postal service.*

The post office has advised the applicant that all mail boxes should go at the existing cluster in the right-of-way at the junction of W7000S and S1750W.

4a.vii. *Please note on the plans: "All construction shall conform to the Teton County Highway and Street Guidelines for Design and Construction and the Idaho Standards for Public Works Construction as amended. The contractor is required to maintain a copy of each standard on the job site while work is being performed. In cases of conflict between the standards, the contractor shall follow the Teton County Standards first, and then the ISPWC."*

This construction note is included on the revised Improvement Plans.

4b.i. *Provide trenching and bedding details.*

Details are provided in the revised Improvement Plans.

4b.ii. *Please clarify whether a fire truck pull off is being provided adjacent to the dry hydrant, if so dimension.*

No, this was not required by the Fire Department. The 24' road width is sufficient.

4b.iii. *Please confirm with the Teton County Fire Department that the excavated pool and stream will provide the required 1,000 gpm of fire water for two hours. This should be calculated assuming the lowest flow of the stream.*

IMA has measured the stream flow at the lowest flow levels and confirmed the minimum flow is greater than 1,000 gpm. This information, including the design plans for the excavated pool and dry hydrant, were reviewed by Teton County Fire Department.

4b.iv. *Please include the utility locate number on all improvement plans.*

The utility locate number is included on the Improvement Plans.

#### COST ESTIMATE

5a. *The cost estimate should be updated to include all items required for the improvement plans, see item 4.*

A line item for seeding has been added to the cost estimate of the Improvement Plans.

5b. *The cost estimate must be updated to include an additional 25% of the estimated total improvement costs, this is required for bonding purposes.*

This has been added to the cost estimate.

5c. *The only roadway improvement costs shown on the estimate are for the fire truck turnaround. If upon inspection by the county engineer, additional roadway improvements are required, the cost estimate must be updated to reflect these additional costs.*

The quantities required to widen the road to county standards has been included in the revised cost estimate on the Improvement Plans.



## Curt Moore

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**From:** Bret Campbell [bcampbell@tetoncountyfire.com]  
**Sent:** Wednesday, March 16, 2011 3:55 PM  
**To:** Curt Moore  
**Subject:** Cattle Creek Ranch

Curt,

I have had the opportunity to meet with representatives for the Cattle Creek Subdivision and discuss the fire protection requirements. Thank you for forwarding a copy of the application. The fire protection plans are approved as designed. ]

Thank you,

**Bret Campbell**  
Assistant Chief



Teton County Fire Protection District  
PO Box 474  
625 North Airport Road  
Driggs, ID 83422

Phone: 208-354-2760  
Fax: 208-354-2764

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 5960 (20110316)

\_\_\_\_\_ The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
WALLA WALLA DISTRICT, CORPS OF ENGINEERS  
IDAHO FALLS REGULATORY OFFICE  
900 N SKYLINE DRIVE, SUITE A  
IDAHO FALLS, IDAHO 83402  
October 26, 2010

Regulatory Division

SUBJECT: NWW-2010-536-I02

Mr. Mike Morey  
Morey Ranch, LLC  
6470 Cattle Creek Road  
Victor, Idaho 83455

Dear Mr. Morey:

This letter is in regard to your request for verification of authorization under a Department of the Army (DA) Nationwide Permit to install a dry hydrant intake line on an unnamed spring stream. The proposed project would be located at 6470 Cattle Creek Road, Victor, Idaho 83455, within Section(s) 33 of Township 4 North, Range 45 East, near latitude 53.6241° N and longitude -111.1532° W, in Teton County, near Victor, Idaho.

Although your project appears to meet the terms and conditions of Nationwide Permit (NWP) No. 12 Utility Line Activities, the Idaho Department of Environmental Quality (IDEQ) has denied 401 Water Quality Certification for this specific NWP. Before we can verify your project is authorized by the above-referenced NWP, you will need to obtain an individual 401 Water Quality Certification or waiver of certification from the IDEQ.

To help you through the certification process, we have sent a letter to the Idaho Falls office of IDEQ, asking them to consider individual water quality certification for your project. We also asked them to notify you of their decision. If you do not receive their response by December 26, 2010, you may assume that water quality certification has been waived. If IDEQ denies individual water quality certification, your request for authorization under NWP No. 12 will be denied and you may not construct the proposed project. You may check on the status of IDEQ's water quality certification by contacting Mr. Troy Saffle at telephone number (208) 528-2650.



- 2 -

If you have any questions regarding this matter, please contact me by telephone at (208) 522-1676 or via e-mail at [james.m.joyner@usace.army.mil](mailto:james.m.joyner@usace.army.mil). A copy of this letter is being sent to the individuals identified in the list below for informational purposes.

Sincerely,

A handwritten signature in cursive script that reads "James M. Joyner".

James M. Joyner  
Regulatory Project Manager  
Idaho Falls Regulatory Office

Electronic Copies Furnished to: Troy Saffle-IDEQ and Intermountain Aquatics-Katie Salsbury



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718  
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

October 27, 2010

Mr. and Mrs. Mike & Barbara Morey  
Morey Ranch LLC  
6470 Cattle Creek Road  
Victor, ID 83455

RE: Joint Application for Permit No. 22-20124 (NWW No. 2010-535-102)  
Joint Application for Permit No. 22-20125 (NWW No. 2010-536-102)  
To Alter an Unnamed Spring Creek Channel, Tributary to the Teton River

Dear Mr. and Mrs. Morey:

This office has reviewed your above referenced applications for permits to alter a stream channel and has prepared a decision as provided for in Section 42-3805, Idaho Code.

You may consider this letter a permit to alter an unnamed spring creek channel located in Section 33, Township 4N, Range 45E, B.M., in Teton County, Idaho by installing a rock water gap as designed by the Natural Resources Conservation Service (22-20124) and installing a dry hydrant (22-20125). Failure to adhere to the conditions as set forth herein can result in legal action as provided for in Section 42-3809, Idaho Code. The work shall be performed in accordance with the following minimum standards and general permit conditions:

### MINIMUM STANDARDS:

The following minimum standards are established in the State of Idaho, Department of Water Resources Administrative Rules regarding Stream Channel Alterations, IDAPA 37.03.07, and are enclosed with this permit.

Rule 56 - Construction Procedures

### GENERAL CONDITIONS:

This permit **does not** constitute any of the following:

- a. An easement or right-of-way to trespass or work upon property belonging to others.
- b. Other approval that may be required by State or Federal Government,

- unless specifically stated in the special conditions above.
- c. Responsibility of the Department of Water Resources for damage to adjacent properties due to work done.
  - d. Compliance with the Federal Flood Insurance Program, FEMA regulations or approval of the local Planning and Zoning authority.
  - e. Authorization to take any threatened or endangered species or to destroy or degrade any critical habitat of any endangered species.

The permit holder or operator must have a copy of this permit at the alteration site, available for inspection at all times.

The Department of Water Resources may cancel this permit at any time that it determines that the permit conditions are not being followed.

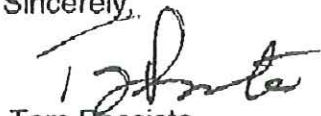
To avoid damage to buried utility lines Idaho Code, Sections 55-2201 - 55-2210 requires the applicant and/or his contractors to contact Digline not less than three (3) working days prior to the start of any excavation for this project. The phone numbers for Digline are, Boise area 342-1585 and statewide 1(800)342-1585.

**Conditions and construction procedures approved under this permit may not coincide with the proposal as submitted. Failure to adhere to conditions as set forth herein can result in legal action as provided for in Section 42-3809, Idaho Code.**

If you object to the decision issuing this permit with the above conditions, you have fifteen (15) days in which to notify this office in writing that you request a formal hearing on the matter. If an objection has not been received within fifteen (15) days, the decision will be final.

Please contact me at 525-7161 if you have any questions regarding this matter.

Sincerely,



Tom Bassista  
Stream Protection Specialist  
Resource Protection Bureau

ec: IDEQ (Idaho Falls); USACE (Idaho Falls); Teton County; Intermountain Aquatics





STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

900 North Skyline Drive, Suite B • Idaho Falls, Idaho 83402 • (208) 528-2650

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

December 28, 2010

Mike & Barbara Morey  
Morey Ranch, LLC  
6470 Cattle Creek Road  
Victor, Idaho 83455

**RE: NWW No. 2010-536-I02**

Dear Mr. & Ms. Morey:

The Idaho Department of Environmental Quality (Department) received a request from the Army Corps of Engineers to issue a water quality certification under authority granted in Idaho code. We reviewed your Joint Application for Permit and provided a 21-day public comment period on a draft certification. The Department received no public comments and is prepared to issue a final water quality certification.

This Water Quality Certification is issued under the authority of Section 401 of the Federal Water Pollution Control Act and its Amendments (Clean Water Act) and IDAPA 58.01.02 and IDAPA 58.01.02.054.04 and 05. A copy of this required certification has been sent to the Corps of Engineers and your authorized agent.

The Water Quality Certification provided herein shall be revoked for failure to comply with the conditions outlined above. Revocation shall become effective upon written notice to the holder and all activities authorized shall immediately cease until holder obtains another Certification from Department.

If the Department can clarify any portions of this Certification, please do not hesitate to contact me at 208-528-2650.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Saffle", is written over a horizontal line.

Troy Saffle  
Regional Water Quality Manager  
Idaho Falls Regional Office

c: James Joyner, ACOE  
Katie Salsbury, Intermountain Aquatics

2010AKF127





**Idaho Department of Environmental Quality**  
**FINAL §401 Water Quality Certification**

December 28, 2010

**404 Permit Application Number:** NWW-2010-536-I02

**Applicant/Authorized Agent:** Mike and Barbara Morey, Morey Ranch LLC/Katie Salsbury, Intermountain Aquatics

**Receiving Water Body Name/Assessment Unit:** unnamed spring creek, tributary to Trail Creek/Assessment Unit ID17040204SK035\_02

**Receiving Water Body Conditions:** This Assessment Unit is supporting its assessed beneficial uses and is in Category 2 of the 2008 Integrated Report.

**Project Location:** 43.6241 N 111.1532 W, Teton County

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Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et.seq., and 39-3601 et.seq., the Idaho Department of Environmental Quality (DEQ) has authority to review activities receiving Section 404 dredge and fill permits and issue a water quality certification decision.

Based upon its review of the permit application and associated information for the above-referenced activity, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the activity will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of State law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits.

## **Project Description**

Project proposes to excavate approximately forty cubic yards of material from the stream bed to create a pool that is approximately twenty feet wide, thirty feet long, and six feet deep. The applicant will install a dry hydrant intake pipe into the spring creek.

## **Receiving Water Body Description**

The receiving water body is an unnamed spring creek which is a tributary to Trail Creek. The unnamed spring creek is part of the Trail Creek (Trail Creek pipeline diversion to mouth) water body unit, which has the following designated beneficial uses: industrial and agricultural water supply, aesthetics, and wildlife habitat. This water body unit is presumed to support cold water aquatic life and secondary contact recreation.

## **Antidegradation**

Idaho's antidegradation policy (IDAPA 58.01.02.051) requires that existing uses of all waters in the state be maintained. In addition, where the quality of water is better than that required to maintain beneficial uses, then DEQ must assure that no degradation will occur unless, after allowing an opportunity for public comment and intergovernmental coordination, degradation is deemed to be necessary to accommodate important economic or social development.

Because the unnamed spring creek is part of an assessment unit that is fully supporting its assessed beneficial uses, it is considered to be high quality water for the purposes of antidegradation review. As such, the quality of the creek must not be degraded unless it is deemed to be necessary to accommodate important economic or social development.

The primary pollutants of concern for this project are sediment and turbidity. This project will result in minimal short term impacts to the unnamed spring creek; however, long term impacts or degradation is not expected. As part of this certification, DEQ is requiring the applicant to comply with various conditions to protect water quality and to meet Idaho WQS, including the water quality criteria applicable to sediment and turbidity. During the construction phase, the applicant will implement, install, maintain, monitor, and adaptively manage best management practices geared toward reducing erosion and minimizing turbidity levels in the unnamed spring creek downstream of the project.

As long as the project is conducted in accordance with the provisions of the project plans, Section 404 permit, and conditions of this certification, then there is reasonable assurance the existing beneficial uses and water quality of the unnamed spring creek will be maintained and protected. Therefore, DEQ concludes that this activity complies with Idaho's antidegradation policy.

## **Conditions Necessary to Assure Compliance With Water Quality Standards or Other Appropriate Water Quality Requirements of State Law**

### *General*

1. This certification authorizes the activity as described in the joint application for permit received on October 27, 2010.



2. This certification is conditioned upon the requirement that any modification (e.g. change in best management practices, work windows, etc.) of the permitted activity shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to §401. Such modifications may not be implemented until DEQ has made a determination whether additional certification is necessary.
3. DEQ reserves the right to modify, amend, or revoke this certification if DEQ determines that, due to changes in relevant circumstances, including without limitation, changes in project activities, the characteristics of the receiving water bodies, or state water quality standards, there is no longer reasonable assurance of compliance with water quality standards or other appropriate requirements of state law.
4. This certification may be revoked for failure of the permittee to comply with the conditions of this certification or the terms and conditions of the referenced permit. Revocation shall become effective upon written notice to the permittee, and all activities permitted under the referenced permit shall immediately cease. The activity may not resume unless authorized by DEQ.
5. In the event ownership of the project changes, the certification holder shall notify DEQ, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person or party. The new owner/operator shall request, in writing, the transfer of this water quality certification to his/her name.
6. A copy of this certification must be kept on the job site and readily available for review by any contractor working on the project as well as any federal, state, or local government personnel.
7. The applicant shall provide access to the project site and all mitigation sites upon request by DEQ personnel for site inspections, monitoring, and/or to ensure that conditions of this certification are being met.
8. The applicant is responsible for all work done by contractors and must ensure the contractor(s) are informed of and follow all the conditions described in this certification and the Section 404 permit.
9. This certification shall be rescinded if the Army Corps of Engineers does not issue a Section 404 permit.
10. Unless otherwise authorized by DEQ, this certification is valid for two years from the date the certification was issued by DEQ.
11. The applicant shall provide to DEQ a signed statement (see Attachment A) from any contractor working on the project that they have read and understand the conditions of this certification and the Corps of Engineers permit. These statements must be provided to DEQ prior to the contractor commencing work at the project site.

12. Project areas shall be clearly identified in the field prior to initiation of land disturbing activities to ensure avoidance of impacts to waters of the U.S. beyond project footprints.

#### ***EROSION AND SEDIMENT CONTROL***

1. Best management practices (BMPs) for sediment and erosion control suitable to prevent exceedances of state water quality standards shall be selected and installed before starting construction at the site. One resource that may be used in evaluating appropriate BMPs is the DEQ Catalog of Stormwater BMPs for Cities and Counties available online at: [http://www.deq.idaho.gov/water/data\\_reports/storm\\_water/catalog/index.cfm](http://www.deq.idaho.gov/water/data_reports/storm_water/catalog/index.cfm). Other sources of information may be used for selecting appropriate BMPs.
2. Permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices and shall be maintained as necessary throughout the operation of the project.
3. BMPs shall be inspected and maintained during project implementation.
4. BMP effectiveness shall be monitored during project implementation. BMPs shall be replaced or augmented if they are not effective.
5. All construction debris shall be properly disposed of so that it cannot enter waters of the State or cause water quality degradation.
6. Sediment from disturbed areas or able to be tracked by vehicles onto pavement must not be allowed to leave the site in amounts that would reasonably be expected to enter waters of the State. Placement of clean aggregate at all construction entrances or exits, and other BMPs such as truck or wheel washes if needed, must be used when earth moving equipment will be leaving the site and traveling on paved surfaces.

#### ***MANAGEMENT OF HAZARDOUS OR DELETERIOUS MATERIALS***

1. Petroleum products, hazardous, toxic and/or deleterious materials shall not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of waters of the state. Adequate measures and controls must be in place to ensure that those materials will not enter waters of the state as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third party activities.
2. Vegetable-based hydraulic fluid should be used on equipment operating in or directly adjacent to the channel if this equipment is available.
3. Daily inspections of all fluid systems on equipment to be used in or near waters of the state shall be done to assure no leaks or potential leaks exist prior to equipment use. A log book of these inspections shall be kept on site and provided to DEQ upon request.
4. Equipment and machinery must be removed from the vicinity of the waters of the state prior to refueling, repair, and/or maintenance.

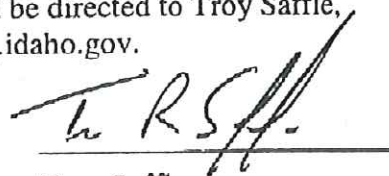


5. Equipment and machinery shall be steam cleaned of oils and grease in an upland location or staging area with appropriate wastewater controls and treatment prior to entering a water of the State. Any wastewater or wash water must not be allowed to enter a water of the State.
6. Emergency spill procedures shall be in place which may include a spill response kit (e.g. oil absorbent booms or other equipment).
7. Any spill less than 25 gallons must be cleaned up within 24-hours of the release but does not require reporting to DEQ. If the spill is less than 25 gallons and is not cleaned up within 24-hours, then it becomes a reportable quantity.
8. Any spill greater than or equal to 25 gallons must be cleaned up within 24 hours of the release and reported to DEQ by calling 1-800-632-8000 (Idaho State Communication Center). Any spill equal to or greater than 25 gallons is reportable immediately.
9. Any release that causes a sheen of any size in waters of the State must be reported immediately to the National Response Center at 1-800-424-8802 and the Idaho State Communication Center.

## **Right to Appeal Final Certification**

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this certification should be directed to Troy Saffle, Idaho Falls Regional Office at 208.528.2650 or [troy.saffle@deq.idaho.gov](mailto:troy.saffle@deq.idaho.gov).

  
Troy Saffle  
Regional Manager  
Idaho Falls Regional Office



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
WALLA WALLA DISTRICT, CORPS OF ENGINEERS  
IDAHO FALLS REGULATORY OFFICE  
900 NORTH SKYLINE DRIVE, SUITE A  
IDAHO FALLS, IDAHO 83402-1700

October 26, 2006

Regulatory Division

SUBJECT: NWW No. 063200125

ACOE Permit for  
Existing Road

Michael and Barbara Morey  
350 West 600 South  
Victor, Idaho 83455-5307

Dear Mr. and Mrs. Morey:

Your proposed discharge of dredged and fill material to construct a private road in wetlands adjacent to Fox and Trail Creeks and unnamed spring creek channels, and to restore wetlands as compensatory mitigations is authorized under the terms and conditions of Department of the Army Nationwide Permit (NWP) 14 (33 CFR 330, Appendix A). This authorization requires your project is constructed as shown on the application drawings and complies with the terms and conditions of the enclosed nationwide permit and the special conditions listed below. Your project is located in Sec. 33, T.4N., R.45E., B.M., Teton County, Idaho.

- a. You must complete the wetland restoration proposed in your application, and as supplemented by the October 24, 2006 "Morey Ranch Wetland Mitigation Monitoring Plan" (Plan). Wetland restoration construction must be completed within 1 year of work proposed in the application and reporting requirements must be met as outlined in the Plan.
- b. Permittee is responsible for all work done by any contractor. Permittee shall ensure any contractor who performs the work is informed of and follows all the terms and conditions of this authorization (including any special conditions listed above). Permittee shall also ensure these terms and conditions are incorporated into engineering plans and contract specifications.
- c. Permittee shall notify me at 208-522-1645 when construction begins. Permittee shall sign and return the enclosed Compliance Certification when the project is completed.

Please carefully review these conditions, including the Water Quality Certification conditions. If you cannot meet these conditions, this NWP verification is not valid. Your project must comply with the Idaho Water Quality Standards as stated in IDAPA 58.01.02. If you have any questions about the Water Quality Certification conditions, please contact Troy Saffle at 208-528-2650. If you change the project description in your permit application, this NWP may not be valid and you should contact us before starting work. We have enclosed a Compliance Certification for you to sign and return when you have completed your project.



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This verification is valid for 2 years from the date of this letter, unless the NWP is modified, suspended or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. If you complete your project by this date, this authorization is valid and your work is authorized under the terms and conditions of the current NWP. If the NWP is reissued without modification or your project complies with any subsequent modification of the NWP authorization, this verification will remain valid for 2 years. Furthermore, if you cannot complete your project by March 18, 2007 but you start or are under contract to start construction by this date, your project will remain authorized under the terms and conditions of the current NWP provided you complete the project within 12 months of the date the NWP expires. However, if the NWP is reissued with modifications and your project does not comply with the terms and conditions of the modified NWP or if the NWP is revoked, this verification is no longer valid and you will need to stop work and reapply for a permit. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued.

This authorization applies only to Department of the Army permits administered by the Corps of Engineers. Your project may also require permits from other Federal, state, and local agencies. If your work requires a permit from the Idaho Department of Water Resources, you will need to obtain their approval before starting work. You should also contact your local city or county zoning office for any permits they may require for your project.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access and are interested in letting us know how we are doing, you can complete an electronic version of our Customer Service Survey form on our web site at: <http://per2.nwp.usace.army.mil/survey.html> which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey so you may complete and return to us by mail or fax.

If you have any questions concerning this authorization or Corps jurisdiction, please contact me at 208-522-1645. A copy of this letter is being sent to Mr. Tom Bassista, Idaho Department of Water Resources, 900 North Skyline Drive, Suite A, Idaho Falls, Idaho 83402-1718; Mr. Jim Johnston, Regional Administrator, Idaho Department of Environmental Quality, 900 North

-3-

Skyline, Suite B, Idaho Falls, Idaho 83402 and Mrs. Katie Salsbury, Intermountain Aquatics, Inc., PO Box 1115, Driggs, Idaho 83422.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Brochu". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert A. Brochu  
Regulatory Project Manager

Enclosures: nationwide permit conditions and compliance certification





STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

900 North Skyline Drive, Suite B • Idaho Falls, Idaho 83402 • (208) 528-2650

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

February 22, 2011

Patrick Vaile  
Teton County P&Z Administrator  
150 Courthouse Drive, Room 107  
Driggs, ID 83422

**Re: Cattle Creek Ranch Subdivision-Teton County, Water Quality Impact Analysis (NP Evaluation). DEQ # 11-01-41**

Dear Mr. Vaile

Teton County has required the preparation of a Water Quality Impact Analysis (NP Evaluation) for the proposed development pursuant to the Teton County Subdivision Ordinance. Teton County has requested DEQ review the NP Evaluation. This letter contains DEQ's comments and recommendations regarding the NP Evaluation. This letter does not constitute an approval, license, permit or any other form of authorization required by law. The comments and recommendations contained in this letter are provided to Teton County for its consideration in reviewing the development pursuant to Teton County law. The letter reflects DEQ's opinion, based upon the information and analysis in the NP Evaluation, regarding whether the discharges from wastewater systems for the proposed development will comply with the Idaho Ground Water Rule and Idaho Water Quality Standards. The comments and recommendations, however, are not binding and Teton County is free to disregard this letter.

The DEQ has the following comments regarding the NP Evaluation:

1. The report mentions/recommends in the section on phosphorus impacts that advanced treatment will be used but does not specify what that will consist of or what that will do to attenuate phosphorus. Typically the benefits of advanced septic treatment are to reduce nitrate concentrations but not phosphorus concentrations. There is no credit taken in the spreadsheet for nitrate for advanced treatment (with the advanced septic treatment a value for nitrate concentration of 27 mg/l can be assumed).
2. The discussion of phosphorus impacts is primarily narrative in nature and doesn't try to quantify the impacts to adjacent surface water. Because the connectivity exists between the shallow ground water and the on site surface waters the impacts of nitrates and phosphorus to the surface water will need to be evaluated. It should be noted that the receiving Teton River is a TMDL limited segment. This will need to be discussed in the report. There are also some proposed changes being proposed for limiting nutrients (nitrates and phosphorus) for the newly proposed TMDL.

3. It is stated that the modeling of nitrate was also surrogate for other contaminants because it is the most mobile but this does not take into account the lower allowable concentrations in surface water for phosphorus.
4. The report looks at the impact from only one of the three lots, using the smallest of the lots, but doesn't look at the cumulative impact of all the lots on the down gradient ground water. This may be important because the lots are aligned approximately parallel to ground water flow, are relatively narrow and plumes from individual drain fields would likely merge and result in cumulative impacts.
5. In the model for nitrate impacts the use of an aquifer width of 500 feet appears to be excessive, when compared with the typical widths of individual drain fields and the configuration of the lots with respect to ground water flow.
6. Given the necessary setbacks what is the location of building envelopes, drain field locations, and individual well locations (assuming each lot will have its own well).
7. The hydraulic conductivity assumed in the model, which is taken from a ground water model of the Teton Valley, seems high and may not be representative of the shallow ground water encountered at the site (which is the object of the predictions at the site). The ground water model estimated value is likely intended to represent the deeper portions of the ground water system. The indication from well logs is that while gravel is present it is often described as mixed with clay, which would reduce conductivity. The test pit descriptions for wetland delineation do not go deep enough. How are the soils described in the Health District site visit pits?
8. The evaluation did not address the pathogen transport for the proposed project. The engineer will need to verify if there will be any problems of pathogens at the compliance boundaries.
9. The location and placement of the drain fields will be important in meeting all of the Technical Guidance Manual (TGM) criteria. The Health District should be consulted for proper location and permitting of the drain fields per the (TGM) for Subsurface Disposal Systems.

If you have any questions regarding this letter or if we can be of further assistance, please call (208) 528-2650.

Sincerely,



William Teuscher PE  
Water Quality Engineer  
Idaho Falls Regional Office

C: Eric Neher PG, Regional Administrator  
Bruce Wicherski PG, State Office  
Mike Dronen, EIHD Driggs.  
Katie Salsbury, Intermountain Aquatics Inc.





STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

900 North Skyline Drive, Suite B • Idaho Falls, Idaho 83402 • (208) 528-2650

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

April 21, 2011

TETON COUNTY  
PLANNING & ZONING

APR 26 2011

RECEIVED

Patrick Vaile  
Teton County P&Z Administrator  
150 Courthouse Drive, Room 107  
Driggs, ID 83422

**Re: Cattle Creek Ranch Subdivision-Teton County, Water Quality Impact Analysis (NP Evaluation). DEQ # 11-01-41**

Dear Mr. Vaile

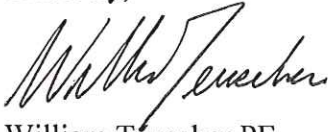
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The DEQ has the following comments regarding the final NP Evaluation:

1. DEQ feels that all of our previous comments have been addressed and that the Water Quality Impact Analysis is acceptable.
2. It is DEQ's opinion that there will be no significant impacts to the ground or surface waters if the recommendations are followed as presented the final draft of the Water Quality Impact Analysis. Installation of advanced treatment units for the septic systems was proposed for each lot in the analysis in order to achieve an effluent quality of 27mg/l nitrate concentration.
3. The location and placement of the drain fields will be important in meeting all of the Technical Guidance Manual (TGM) criteria. The Health District should be consulted for proper location and permitting of the drian fields per the (TGM) for Subsurface Disposal Systems.

If you have any questions regarding this letter or if we can be of further assistance, please call (208) 528-2650.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Teuscher', written in a cursive style.

William Teuscher PE  
Water Quality Engineer  
Idaho Falls Regional Office

C: Katie Salsbury, Intermountain Aquatics Inc.  
Eric August PE, Intermountain Aquatics Inc.  
Mike Dronen, EIHD Driggs.





**TETON COUNTY OFFICE**

820 Valley Centre Drive  
Driggs, Idaho 83422  
208.354.2220 • fax 354.2224  
www.idaho.gov/phd7

Promoting the Health of People & Their Environment

19 August 2010

Katie Salisbury  
Morey Ranch LLC  
6470 Cattle Creek Ranch Road  
Victor, ID 83455

RE: Cattle Creek Ranch

Dear Ms Salisbury,

A review of the Concept Master Plan (dated 22 June 10) and on-site evaluation were conducted of subject property, 17 August 2010. As part of this evaluation, three test holes were inspected. The test holes measured 52 - 76 inches deep. The soils present in the test holes have been classified as Design Group C. There was ground water present in each test hole, as noted below:

Test Hole #1 (on lot #1) - ground water 17 inches below grade

Test Hole #2 (on lot #2) - ground water 23 inches below grade

Test Hole #3 (on lot #3) - ground water 22 inches below grade

As previously discussed, ensure you are familiar with Teton County's requirements for a Nutrient Pathogen Evaluation, outlined in Subdivision Ordinance - Title 9 County Code. In addition, as you prepare the preliminary plat for review, show all current and proposed water features (i.e. ponds, creeks, irrigation ditches, etc.) within the development and within 300 feet of the property boundaries.

I look forward to working with you on this project. Please call if you have any additional questions.

A handwritten signature in black ink, appearing to read "M. Dronen".

Michael Dronen, EHS  
Eastern Idaho Public Health District

cc. Teton County Planning and Zoning  
Intermountain Aquatics

BONNEVILLE • CLARK • CUSTER • FREMONT • JEFFERSON • LEMHI • MADISON • TETON





**TETON COUNTY OFFICE**

820 Valley Centre Drive  
Driggs, Idaho 83422  
208.354.2220 • fax 354.2224  
www.idaho.gov/phd7

Promoting the Health of People & Their Environment

18 April 2011

Curt Moore  
Teton County Planning and Building Department  
150 Courthouse Drive  
Driggs, Idaho 83422

TETON COUNTY  
PLANNING & ZONING

APR 18 2011

RECEIVED

RE: Cattle Creek Ranch, Preliminary Plat Review

Dear Mr. Moore

Eastern Idaho Public Health District (EIPHD) approves the subdivision application and preliminary plat for Cattle Creek Ranch. To follow are additional comments/requirements necessary to obtain EIPHD final plat approval and subsequent sewage disposal permits for individual lots.

1. The available space for primary and replacement drainfields is very limited on each lot. As a result, drainfield locations, meeting all site suitability criteria defined in the Technical Guidance Manual and IDAPA 58.01.03 – Individual/Subsurface Sewage Disposal Rules, are to be shown on the final plat or a separate facilities plan recorded with the final plat.
2. Individual sewage disposal permits will specify the installation of advanced treatment systems obtaining nitrate concentrations of 27 mg/l with a maximum waste flow of 300gal/day/lot. This is consistent with the Level 1 Nutrient-Pathogen Evaluation, and as modified by Intermountain Aquatics Inc., letter dated 30 March 2011.
3. Any construction involving wetlands will require US Army Corps of Engineers approval before a sewage disposal permit is issued.

I look forward to reviewing the final plat for Cattle Creek Ranch Subdivision. The appropriate sanitary rules/regulations and health certificate for this development will be provided following our review of the final plat

Please give me a call if you have any additional questions.



Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Dronen', with a long horizontal stroke extending to the right.

Michael Dronen, EHS  
Eastern Idaho Public Health District

cc. Intermountain Aquatics Inc.  
William Teuscher, DEQ/Idaho Falls



**IDAHO DEPARTMENT OF FISH AND GAME**

UPPER SNAKE REGION

4279 Commerce Circle

Idaho Falls, Idaho 83401

C.L. "Butch" Otter / Governor

Virgil Moore / Director

June 1, 2011

Curt Moore, Planning Administrator  
Teton County Planning and Building Department  
89 North Main Street, Suite 4  
Driggs, ID 83422

**RE: Cattle Creek Ranch PUD Preliminary Plat in the SE1/4SW1/4, NE1/4SW1/4, SE1/4NW1/4, E1/2SW1/4NW1/4 of Section 33, T4N R45E in Teton County**

Dear Curt:

Idaho Department of Fish and Game staff has reviewed the preliminary plat and Natural Resource Analysis for the 40.22 acre Cattle Creek Ranch Planned Unit Development. Idaho Department of Fish and Game (Department) is interested in this project, because we are charged with the statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code § 36-103(a)).

The Natural Resource Analysis prepared by Intermountain Aquatics is the best to date that we have seen. It addressed our concerns and provided mitigation actions that we support. This should be the standard for future Natural Resource Analysis requirements. We recommend implementation of the practices and mitigations outlined in the Natural Resource Analysis.

Thank you for providing us an opportunity to comment on this proposed development. Please contact Paul Faulkner of my staff if you have questions regarding our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Schmidt", with a stylized flourish at the end.

Steve Schmidt  
Regional Supervisor

SLS:PJF:jms

cc: Paul Faulkner, IDFG  
Terry Thomas, IDFG  
Doug Petersen, IDFG  
Lauren Wendt, IDFG

*Keeping Idaho's Wildlife Heritage*